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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,240	10/17/2003	Reinhold Oppen	0275M-000769	2494

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EXAMINER
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EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,240

Applicant(s)

OPPER, REINHOLD

Examiner

Lynne Edmondson

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/19/06.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-18, 22, 28, 30-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-18, 22, 28, 30-32 and 34-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Pryor (USPN 5380978).

Pryor teaches a method of processing a component comprising producing a single light beam, positioning the light beam at a reference position, placing a mark (hole) on the component to be processed, positioning the light relative to the mark, processing the component and aligning a connecting element (bolt/rivet) with the component at the reference point and a reference position (hole) in the workpiece (col 34 lines 10-40). Positions are adjusted throughout the process (col 17 line 51 – col 18 line 16 and col 20 lines 16-55). Multiple tools are employed ( col 1 lines 31-40). It is presumed that the bolt is connected using some type of device as is it is fixed and used as a reference. Bolt attachment is taught in col 34 lines 51-59.

Art Unit: 1725

3. Claims 1, 2, 4-6, 10-18, 31, 34, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Stegmann et al. (USPN 6415050 B1).

Stegmann teaches a device comprising a component processing system operable to process a component, a laser with a single, variable beam (col 10 lines 9-50) and template (col 11 lines 20-23), marks (col 6 line 55 – col 7 line 19) and a reference position in the workpiece (col 4 lines 5-48). A connecting element such as a rivet is attached (col 11 lines 10-35).

4. Claims 1, 2, 4-18, 31, 34, 36 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiyoi et al. (US 2002/036779 A1).

Kiyoi teaches a device comprising a component processing system operable to process a component, a laser with a single, variable beam and template (filter, paragraphs 93-96 and 154-160) and a reference position in the workpiece (paragraphs 112-123). A connecting element such as a rivet/screw is attached (screwed into position, paragraph 112).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stegmann et al. (USPN 6415050 B1).

Stegmann teaches a device comprising a component processing system operable to process a component, a laser with a single, variable beam (col 10 lines 9-50) and template (col 11 lines 20-23), marks (col 6 line 55 – col 7 line 19) and a reference position in the workpiece (col 4 lines 5-48). A connecting element such as a rivet is attached (col 11 lines 10-35). Although the processing of three-dimensional objects is taught, there is no disclosure of an automobile.

It would have been obvious to one of ordinary skill in the art at the time of the invention that an automobile would be included in the general group of three-dimensional objects, which can be manufactured in this manner.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

8. Regarding applicant's argument that Pryor uses electro-optical guided positioning, it is noted that this system is used in combination with reference marks and a connecting element.

Regarding applicant's argument that Pryor does not teach connecting means or a connecting step, multiple tools are employed ( col 1 lines 31-40). It is presumed that

Art Unit: 1725

the bolt is connected using some type of device as is it is fixed and used as a reference.

Bolt attachment is taught in col 34 lines 51-59.

Therefore the rejection of claims 22, 28 and 30 as anticipated by Pryor stands.

9. In response to applicant's argument that Stegman uses computer software and calibration rather than simple visible elements, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

10. Regarding applicant's argument that no connecting device or step is taught, use of a bolt or rivet that remains in place to be used as a reference must be attached (col 3 lines 44-49 and col 11 lines 24-35).

Therefore the 102 rejection of claims 1, 2, 4-6, 10-18, 31, 34, 36 and 37 as anticipated by Stegman stands and includes new claims . The 103 rejection of claims 32, 35 and 38 as obvious over Stegman also stands.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barr et al. (US 2005/0175229 A1) and Shaunnessey (USPN 5823941),.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson  
Primary Examiner  
Art Unit 1725

*Ue*  
*2/26/06*

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